



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

December 18, 2018

BY ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *United States v. Fernando Gomez*, S5 16 Cr. 387 (JMF)

Dear Judge Furman:

We write with respect to the defendant's request that bail be set in this case. The defendant is charged with participating in a conspiracy to distribute five kilograms or more of cocaine, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 846, and using and carrying a firearm during and in relation to that narcotics conspiracy, and possessing a firearm in furtherance of that narcotics conspiracy, in violation of Title 18, United States Code, Section 924(c). He is facing a 20-year mandatory minimum sentence. Accordingly, under Title 18, United States Code, Section 3142(e)(3)(B), there is a rebuttable presumption that "no condition or combination of conditions will reasonably assure" the appearance of the defendant and the safety of the community. For the following reasons, the Government respectfully submits that the defendant cannot overcome that presumption and his application should be denied.

First, the nature and circumstances of the charged offense are extremely serious. *See* 18 U.S.C. § 3142(g)(1). The defendant is charged with participating in a decade-long narcotics conspiracy. First, as a detective with the City of Evanston Police Department, the defendant obtained firearms from drug dealers, transported those firearms to Puerto Rico, and then provided those firearms to Jose Martinez-Diaz, a/k/a "Tony Zinc," a major international drug trafficker. Martinez-Diaz was involved in transporting large quantities of kilograms of cocaine from the Dominican Republic to Puerto Rico; others in the narcotics conspiracy then transported the cocaine to New York where it was sold for higher prices. Martinez-Diaz was also a member of *La Organizacion de Narcotraficantes Unidos* ("La ONU"), a ruthless criminal enterprise whose members are responsible for multiple murders, as alleged in other counts of the Superseding Indictment.

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Gomez was also involved in transporting large sums of money for the organization from the continental United States to La ONU members in Puerto Rico.

His conduct did not end there. Gomez and Martinez-Diaz discussed whether Gomez should join the Drug Enforcement Administration ("DEA"), to further benefit the drug trafficking organization. They agreed that if Gomez did so, they would be "unstoppable." Gomez applied to the DEA in 2010 and became an agent in 2011. As such, when Gomez swore to uphold our nation's drug laws, he never had any intention of doing that. From the beginning, he was a double agent. And Gomez's plan worked: Martinez-Diaz, a major international narcotics trafficker, evaded detection from law enforcement for years, until his arrest in early 2018, by agents from the Federal Bureau of Investigation ("FBI").

Second, Gomez's history as a law enforcement officer also weighs in favor of detention. Given his training in law enforcement, the defendant is more equipped to evade detection if he chooses to flee. He also has the resources to flee because of his connection to Martinez-Diaz and other wealthy drug traffickers with international connections. And of course, he has every incentive to do so, since he faces a mandatory minimum sentence of 20 years if convicted.

Moreover, Gomez lied to get into the DEA and used his law enforcement credentials to help a criminal organization. Given this lack of respect for the law, there is no reason to believe he will abide by the terms of pre-trial release.

Finally, there is a serious danger to the community if the defendant is released. Gomez is connected to a ruthless, violent drug organization. Members of La ONU have killed individuals they suspected to be informants, and our investigation has revealed serious, credible threats to the lives of witnesses who may testify at trial in this case. The danger posed by the defendant is heightened by the fact that not every member or associate of La ONU was arrested in this case, and certain of the defendant's criminal associates may remain at-large in the community and willing to commit crimes with or on behalf of the defendant if he is bailed.

For the foregoing reasons, the defendant's request for bail should be denied.

Respectfully submitted,

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